REMARKS

Claims 28-58 are pending in the present application. Claims 28 and 43 are independent claims.

On page 1 of the Office Action dated May 3, 2005, the Examiner has indicated that claims 28-58 are rejected but claims 28-54 are pending. Applicants believe that this is a minor typographical error and claims 28-58 are pending in the application.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 28-38 and 43-54 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Gerlach et al. (U.S. Patent No. 1,934,184). This rejection is respectfully traversed for the following reasons.

Applicants disagree with the Examiner that claim 28 is anticipated by Gerlach, and believe the attached drawing (Attachment A) serves to better explain the difference between Gerlach and an example embodiment of the present invention as defined by claim 28. Applicants further believe the explanation set forth below also clarifies any possible confusion between "flux lines" and "return paths".

The upper figure of Attachment A shows magnetic flux lines of the magnetic circuit of Fig. 1 of Gerlach and the lower figure of Attachment A shows magnetic flux lines in an example embodiment of the present invention - corresponding to the example embodiment illustrated in Fig. 1 and 3 of the present application, but shown in a cut away view arranged to allow an immediate comparison with Fig. 1 of Gerlach - namely, such that a plane diaphragm (not shown) mounted thereon would have the same orientation on both magnetic circuits.

In Fig. 1 of Gerlach, starting from one side of a magnetic gap, the magnetic return path runs through the central flat top plate (3), through the U magnetic system (11) and to the second side of the magnetic gap via the flat top plate (2). Thus, as pointed out by the Examiner on pages 5-6 of the Office Action dated May 3, 2005, Gerlach's transducer defines magnetic flux paths parallel to the diaphragm, namely, the flux lines that form part of the return paths through the flat top plate (2).

From Attachment A it is clear that the magnetic return paths of Gerlach's transducer extend in a plane perpendicular to the (not shown) diaphragm - and not parallel to the diaphragm as defined by claim 28.

An example embodiment of the invention illustrated in Attachment A indicates that, starting from one side of the magnetic gap formed by the south pole of the magnet, the magnetic return path runs through the magnet, via the leg to which the magnet is attached, via an end leg, and finally via a central leg that forms the second side of the magnetic gap. Thus, as clearly seen in Attachment A the magnetic return path extends in a plane parallel to the (not shown) diaphragm as defined in claim 28.

Accordingly, Applicants submit that claim 28 is novel over Gerlach, and that nothing could possibly prompt the skilled person to modify the transducer shown by Gerlach and arrive at the invention as defined in claim 28, because such modification would require a complete re-arrangement of the magnetic circuit, which is clear from Attachment A.

Applicants respectfully submit that dependent claims 29-42 are allowable by virtue of their dependency on allowable independent claim 28, for at least the reasons set forth above.

With respect to independent claim 43, Applicants submit that Gerlach does not teach that the coil has electrically conducting path ends electrically connected to electrically conductive

portions of the substantially plane diaphragm, these conductive portions further having externally accessible portions for electrically terminating the transducer. Thus, independent claim 43 has several novel features compared to the disclosure of Gerlach, and nothing could possibly prompt the skilled person to apply such features to the transducer of Gerlach which has a conventional (although rectangularly shaped) coil (6) whose electrical termination is not disclosed by Gerlach. Thus, Applicants submit that claim 43 is novel and inventive.

Applicants respectfully submit that dependent claims 45 and 58 are allowable by virtue of their dependency on allowable independent claim 43, for at least the reasons set forth above.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 39-42 and 55-58 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gerlach et al. (U.S. Patent No. 1,934,184).

Applicants respectfully submit that dependent claims 39-42 are allowable by virtue of their dependency on allowable independent claim 38, for at least the reasons set forth above. Independent claims 55-58 are allowable by virtue of their dependency on allowable independent claim 43, for at least the reasons set forth above.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims 28-58 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano, Reg. No. 35,094 at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By _____
John A. Castellano, Reg. No. 35,094

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/kpc

Enclosure: Attachment A